Read fi rst

1/26/80

Dear Jim,

First I dealyed sending you the earliest of the enclosures not to interfere with your concentration and preparation on the XXXX appeals brief, then not to intrude into your 1448 preparation. Now theat they are past, or 1448 should be before you can get this, I limit to this central thing about 1996 because of its importance. I have much else for you and will be sending some separately after I speak to Rae again about what she has prepared.

Like all of us you are reluctant to change. I think all interests, especially tours, requires a basic change in your method in 1996.

There is really nothing new in what I address, We've been through it before and we have the past to examine. I hope you will do this. It will require a willingness as a beginning. It will then require an effort to be dispoassionate, to try to make a detached evaluation, which will not be easy.

In my view you evaded what clearly the judge wants at the last three calendar calls, whatever you had in mind. I have offered the opinion thatt she may be being rather patient with you over this and that instead of thinking up Cole-like devices you should be getting to the crux immediately and as effectively as you can because so often in briefing you have.

My belief is that no more avoidance of it is possible without disaster being a potential consequence. I also believe that were this not true it is essential and that it be not later than the coming calendar call. I put it this way in the event you have something else in mind. I believe it should be at the calendar call. I've also indicated what I believe should be some of the issues.

Concentrating on this and doing it well is one of the ways you can reduce the heavy load. Not doing it is one of the ways this heavy load has been created.

And I do hope you have it all prepared <u>before</u> you get tox the lawyer's lounge, carefully organized so you can keep control of it and not disconcert yourself by losing control over your preparation.

Be prepared for the possibility I wont be there. If the weather is bad, meaning if there is snow, I may not be able to because the renatal cars usually do not have snow tired and Rae has already had experiences with the radials being inadequate, despite the hipe, when the road is slippery. I'll try to learn in advance and perhaps to arrange for a snow-tired car. Otherwise I'll be there.

My belief is that the DJ is very vulnerable on all its false pretenses relating to the Stipulation and that with adequate preparation you'll win on this and puncture Cole with it.

Please try to be prepared to be firm, not to let him interrupt or pull tricks and if as she has the judge wants to divert you, not to be diverted.

Be prepared to put him down by saying that he either has kept himself uninformed about the case or is attempting to mislead the judge when he misrepresents the record. Or antyhign else, as he always does.

Perhaps the best sequence for reading is to go to the comments on the transcripts next.

Best,